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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,102	04/16/2007	Goran Pantzar	47113-5088	4008
55694 7590 11/13/2008 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER ADDISU, SARA	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,102	PANTZAR, GORAN	
	Examiner	Art Unit	
	SARA ADDISU	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it is in claim format and contains legal phraseology, e.g. "comprises".. Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

The information disclosure statement filed 4/16/07 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because "JP 10-291115 ahs not been provided". It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grafe (DE 3314049 A1), in view of Dotany (USP 5,083,887).

Regarding claims 1, 2, 4-6, GRAFE teaches a milling tool rotating about an axis (16), having an envelope surface, plurality of axially spaced inserts arranged in spiral rows wherein a first insert (6O) (thus also insert pocket) located closest to the front end has another length (longer) than the other inserts/insert pockets within the same flute (6) ('049, figure 2 and abstract). GRAFE also teaches the inserts of adjacent rows being staggered relative to one another ('049, abstract). Furthermore, regarding claim 3, GRAFE discloses the claimed invention (i.e. the end insert (6O) being longer than the other insert (6)), except for the length difference being approximately 50%. It would have been obvious to one having ordinary skill in the art at the time the invention was made to change the size of the insert depending on the machining operation and workpiece material. .ect, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

However, GRAFE teaches the active edges of the cutting inserts of the same flute partially overlapping each other.

DOTANY teaches a milling tool having cutting inserts disposed in a helical array in which the cutting edge of each insert, with respect to the cutting tool, is spaced in the circumferential direction from the seat of the next adjacent insert and is in overlapping relationship in the axial direction with the cutting edge of the next adjacent insert, and the radially-extending edges of each insert are in overlapping relation with the radially-

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extending edges of the adjacent inserts, such that the cutting edges of all the inserts define a continuous, non-interrupted, cutting line of stepped configuration ('887, figure 5 and col. 1, lines 53-63). DOTANY also teaches a projection of cutting inserts in a conventional helical cutting tool whereby active edges of the cutting insets of the same flute do not overlapping each other ('887, figure 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify GRAFE such that its active edges of the cutting insets of the same flute partially overlapping each other, as taught by DOTANY for the purpose of such defining a continuous, non-interrupted, cutting line of stepped configuration ('887, col. 1, lines 53-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/

Examiner, Art Unit 3722

8/15/08

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724